

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Docket No. \_\_\_\_\_  
(to be supplied by Clerk)

RAYMON A. FULLER, JR. , DEFENDANT

Full Name (under which you were convicted)

84616-509

Prisoner Number

FCI-Oxford

Place of Confinement,

Movant.

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT A SENTENCE  
BY A PERSON IN FEDERAL CUSTODY

1. SUBJECT OF THIS PETITION

A. Name and location of the court that entered the judgment of conviction that you are challenging

EASTERN DISTRICT OF WISCONSIN GREEN BAY DIVISION, U.S District

B. Criminal docket or case number 22-CR-28

C. Date of the judgment of conviction 5-17-22

D. Date of sentencing 8-23-22

E. Length of sentence 90 months

F. Nature of crime (all counts) 18:1951(a) Hobbs Act Robbery, 18:924(c)(1)(A)(ii)

G. What was your plea? (Check one)

☐ Not guilty

☒ Guilty

☐ Insanity plea

☐ Nolo contendere (no contest)

If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

H. If you went to trial, what kind of trial did you have? (Check one)

☐ Jury

☐ Judge only

I. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes

☐ No

If yes, state the type(s) of hearing or proceeding

J. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

☒ Yes

☐ No.

**SUBJECT OF THIS PETITION - continued**

K. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?

☐ Yes ☐ No

**II. DIRECT APPEAL OF CONVICTION**

A. Did you appeal the judgment of conviction?

☐ Yes ☒ No

If yes, attach the decision(s) that resolved your appeal and answer the following questions:

1. Name of court of appeals \_\_\_\_\_

2. Date of filing appeal \_\_\_\_\_

3. Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Result \_\_\_\_\_

5. Date \_\_\_\_\_

B. Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes ☒ No

If yes, attach the decision(s) that resolved your petition for certiorari and answer the following questions:

1. Date of filing petition for certiorari \_\_\_\_\_

2. Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Result \_\_\_\_\_

4. Date \_\_\_\_\_

III. POST-CONVICTION RELIEF OTHER THAN DIRECT APPEAL

- A. Other than the appeals listed above in Section II, have you previously filed any other federal petitions, applications, or motions concerning the federal judgment that you are now challenging?

☐ Yes ☒ No

If yes, attach the decision(s) that resolved your application for federal post-conviction relief and answer the following questions:

1. Name of court \_\_\_\_\_
2. Docket or case number \_\_\_\_\_
3. Date of filing \_\_\_\_\_
4. Type of petition, application, or motion filed \_\_\_\_\_
5. Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

7. Result \_\_\_\_\_

8. Date \_\_\_\_\_

9. Did you appeal your first federal petition, application, or motion to a federal appellate court?

☐ Yes ☒ No

10. If you did not appeal, explain why not:

I did not file  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- B. If you filed a second federal petition, application, or motion, attach the decision and answer the following questions:

**POST-CONVICTION RELIEF OTHER THAN APPEAL - continued**

1. Name of court \_\_\_\_\_
2. Docket or case number \_\_\_\_\_
3. Date of filing \_\_\_\_\_
4. Type of petition, application, or motion filed \_\_\_\_\_
5. Grounds raised \_\_\_\_\_

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☐ No

7. Result \_\_\_\_\_

8. Date \_\_\_\_\_

9. Did you appeal your second petition, application, or motion to a federal appellate court?

☐ Yes

☒ No

10. If you did not appeal, explain why not:

N/A

- C. If you filed a third federal petition, application, or motion, attach the decision and answer the following questions:

1. Name of court \_\_\_\_\_
2. Docket or case number \_\_\_\_\_
3. Date of filing \_\_\_\_\_
4. Type of petition, application or motion filed \_\_\_\_\_

**POST-CONVICTION RELIEF OTHER THAN APPEAL - continued**

5. Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☐ No

7. Result \_\_\_\_\_

8. Date \_\_\_\_\_

9. Did you appeal your third petition, application, or motion to a federal appellate court?

☐ Yes

☐ No

10. If you did not appeal, explain why not:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IV. GROUNDS FOR RELIEF**

For this motion, state every ground supporting your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. If you fail to do so, you may be prevented from presenting additional grounds at a later date.

Attach additional pages if you have more than four grounds. State the facts supporting each ground.

Ground One Ineffective Assistance of Counsel

Counsel failed to file a motion to suppress

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Officers entered and searched the defendants home before obtaining

a valide search warrant. Counsel learning this through the discovery

GROUND FOR RELIEF - continued

had a duty and obligation to file a motion to suppress as the search  
was illegal violation movants 4th amendment rights of illegal search  
and seizure.

Ground Two Ineffective Assistance of Counsel

Counsel failed to challenge the federal jurisdiction

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

As it pertains to movant the alleged Hobbs Act robbery does not and  
did not affect interstate commerce which is an element of the crime  
that must be found beyond a reasonable doubt. The fact that counsel  
failed to challenge the jurisdictional element and put the government's  
case to the mandatory meaningful adviserial testing is ineffective  
assistance at its core.

**GROUND FOR RELIEF - continued**

Ground Three Ineffective Assistance

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

Counsel failed to properly research movant's case as it pertains to  
legal requirements that constitute movant's guilt.

Ground Four

Supporting FACTS (Briefly summarize the facts without citing cases or law.)

GROUND FOR RELIEF - continued

V. REPRESENTATION

Give the name and address of each attorney who represented you in the following:

1. At preliminary hearing Krista A Halla-Valdes  
\_\_\_\_\_
2. At arraignment and plea hearing Same  
\_\_\_\_\_
3. At trial N/A  
\_\_\_\_\_
4. At sentencing Same  
\_\_\_\_\_
5. On direct appeal N/A  
\_\_\_\_\_
6. In any federal post-conviction proceeding \_\_\_\_\_  
\_\_\_\_\_
7. On appeal from any ruling against you in a federal post-conviction proceeding  
\_\_\_\_\_  
\_\_\_\_\_

**VI. REQUEST FOR RELIEF**

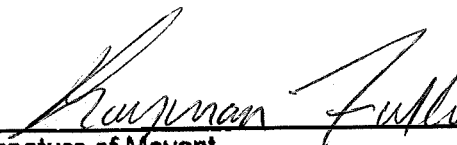
State exactly what you want the court to do for you.

Movant ask that his conviction be vacated so he may be placed  
back in the position he would have been in but for counsel's  
ineffectiveness.

**VII. DECLARATION UNDER PENALTY OF PERJURY**

I, the undersigned, hereby declare under penalty of perjury that the foregoing information is true and correct.

Signed this 22 day of June, 20 23.

  
Signature of Movant

\_\_\_\_\_  
(Signature of lawyer, if any)

If you are signing the motion and are not the movant, state your relationship to the movant and explain why the movant is not signing this motion.

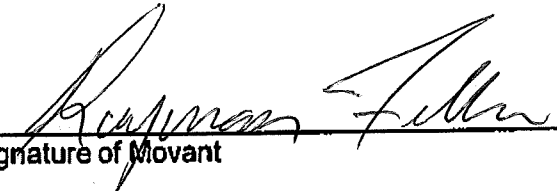
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. CERTIFICATE OF INMATE MAILING - Optional

If you deposit your motion under 28 U.S.C. § 2255 to vacate, set aside, or correct your sentence in your prison/institutional/jail mailing system and attach first-class postage pre-paid, and complete and sign this statement, you will establish the filing date as the date of deposit in that mailing system.

I, the undersigned, hereby declare under penalty of perjury that I placed this motion to vacate, set aside or correct federal sentence under 28 U.S.C. § 2255 in the prison/institutional/jail mailing system with a prepaid, first-class postage on 6-22-23  
(month, day, year)

Signed this 22 day of June, 2023

  
Signature of Movant